

THE WHITE HOUSE

WASHINGTON

November 15, 1988

*Pat Ryan*  
456-7804

MEMORANDUM FOR RUSSELL J. BRUFEMMER  
GENERAL COUNSEL  
CENTRAL INTELLIGENCE AGENCY

FROM: ARTHUR B. CULVAHOUSE, JR.  
COUNSEL TO THE PRESIDENT

*Original Signed by ABC*

SUBJECT: Scheduled Release of Nixon  
Papers on December 9, 1988

On December 9, 1988, the Archivist is scheduled to make available to the public approximately 500,000 pages of President Nixon's White House documents. These documents need to be reviewed in order to determine whether President Reagan should assert executive privilege to prevent their disclosure. I would appreciate it if you would designate a representative of the Central Intelligence Agency to participate in this review.

The Archivist has custody of the Nixon White House records pursuant to the Presidential Recording and Materials Preservation Act, note following 44 U.S.C. § 2111. On February 29, 1986, the National Archives and Records Administration issued the regulations which currently govern public access. Under these regulations, the Archivist reviews the Nixon files, returning private and personal material to Richard Nixon and removing materials that fall into six specified categories, including classified material, law enforcement investigatory material, trade secrets, and material the disclosure of which would constitute a clearly unwarranted invasion of privacy. None of the material so removed may be publicly disclosed. Once this material has been segregated, the Archivist announces his intent to release publicly the remainder of the material, subject only to an opportunity for interested parties to assert any legal or constitutional right or privilege that would prevent or limit disclosure. The regulations provide that the Archivist will wait a minimum of thirty days after making such an announcement before actually disclosing any records, and it is during that period of time that a sitting or former President may assert claims of executive privilege. We have until December 5 to assert such claims with respect to these files.

It may well be that there are no documents in these files which we would regard as privileged. These records are all thirteen or more years old, and any classified material has already been removed. It is impossible to know, however, until we review them.

Since the material contained within these files may be sensitive, it will be necessary that it be reviewed by representatives of the departments and agencies whose interests are likely to be implicated. Accordingly, I am asking you to designate an individual from the Central Intelligence Agency who will be able to devote a substantial amount of time over the course of November 18, 21, 22 and 23 to reviewing portions of these files. That individual need not be an attorney, but should be sufficiently aware of ongoing Central Intelligence Agency activities so that he or she could recognize potentially privileged materials.

If you agree to this procedure, I would appreciate it if you could let me know as soon as possible who the designated CIA representative will be. We would like to begin the process of reviewing the documents early Friday morning, November 18.

I appreciate your assistance in this matter.